

## ATTACHMENT A

### MACQUARIE ISLAND TOOTHFISH FISHERY GENERAL CONDITIONS 2025/26

#### Conditions applying to this Statutory Fishing Right

In addition to the conditions specified by sub section 22(3) and 22 (4A) of the *Fisheries Management Act 1991* (the Act), and the condition in sub section 42(2) of the Act to comply with any logbook determination made by AFMA under subsection 42(1) of the Act, the following conditions are specified for the purposes of paragraph 22(4)(a):

**Note:** Under sub section 22(5) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

The concession holder must also comply with all the obligations prescribed in the *Macquarie Island Toothfish Fishery Management Plan 2006* (the Plan), in particular:

Section 12 titled	<i>Who may fish in the fishery;</i>
Section 13 titled	<i>Quantity of fish that may be taken;</i>
Section 27 titled	<i>Environmental requirements; and</i>
Section 29 titled	<i>Other obligations of holders of statutory fishing rights.</i>

By way of subsection 42B(2) of the Act, the *Fisheries Management Regulations 2019* (FM Regulations) may prescribe conditions that apply to fishing concessions. The following conditions apply to this fishing concession:

Regulation 33:	Nominated boat must be used on trip
Regulation 37:	Concession holder to ensure that vessel monitoring system is fitted and operating;
Regulation 40:	Concession holder to ensure provision for observer and equipment;
Regulation 41:	Concession holder to ensure observer is able to perform functions.
Regulation 43:	Fish to be disposed of to fish receiver permit holder;*
Regulation 67:	Prohibited ways of processing fish;*
Regulation 68 :	Removal of shark liver;*
Regulation 70:	No interaction with protected organism;
Regulation 71:	Reporting interaction with protected organism;
Regulation 72:	Requirements if protected organism is injured by interaction; and
Regulation 73:	Requirements if protected organism killed by interaction.

\* *not applicable to some concessions*

Any terms used in these conditions that are defined in the Act, the Plan and FM Regulations are to be read consistently.

#### **AREA OF THE FISHERY**

1. This concession is granted for the area of the fishery as described in Schedule 1 of the Plan.

#### **AREA LIMITATIONS**

2. The concession holder must not fish under this concession outside the area of fishery.

#### **APPLICABLE BOAT**

3. The concession holder must ensure that the nominated boat displays the boat's International Telecommunications Union Radio/Call Sign (IRCS) in accordance with the below:
  - i. the IRCS must be shown on the boat's deck and each side of the hull;
  - ii. the characters of the IRCS:
    - a. must be in block form; and
    - b. must be:
      - i. white on a black background; or
      - ii. black on a white background; and
    - c. on the hull, must be:
      - i. at least 1 metre high; and
      - ii. of a width that is proportionate to the height; and
      - iii. for adjacent letters with sloping sides (for example, A and V) - separated by a space of at least 10 centimetres and no more than 12.5 centimetres; and
      - iv. for any other characters - separated by a space of no more than 16.6 centimetres; and
    - d. on the deck, must be:
      - i. at least 30 centimetres high; and
      - ii. of a width that is proportionate to the height; and
      - iii. for adjacent letters with sloping sides (for example, A and V) - separated by a space of at least 3 centimetres and no more than 3.75 centimetres; and
      - iv. for any other characters - separated by a space of no more than 5 centimetres.
  - iii. This Division applies in addition to Part 9 of the FM Regulations.

## GEAR LIMITATIONS

4. The concession holder is permitted to use the longline and trawl methods on the nominated boat in the area of the Fishery.
5. The concession holder may only fish by the longline method between 15 April and 31 August 2025 inclusive.
6. The concession holder must ensure that the nominated boat operates under Coordinated Universal Time (UTC) and that all times for boat operations are referenced to UTC.
7. The concession holder must ensure that the nominated boat tows paired streamer lines when deploying longlines. Each of the two streamer lines must be set up in accordance with specifications of streamer lines and method of deployment given in Annex A 25-02A of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservation Measure 25-02 (2024).
8. During the longline fishing season, the concession holder must use internally weighted longlines, with an integrated weight of at least 50g/m, and paired streamer lines shall be used in conjunction with night setting (i.e.: setting can only occur during the hours of darkness between the times of nautical twilight).

***Note:** Nautical dusk and nautical dawn are defined as set out in the Nautical Almanacs for the relevant latitude, local time and date. A copy of the algorithm for calculating these times is available from the CCAMLR Secretariat at <https://www.ccamlr.org/en/node/84096>. All times, whether for boat operations or observer reporting, shall be referenced to UTC.*
9. During longline fishing at night, the concession holder must ensure that the amount of light showing from the boat does not exceed the amount necessary for the safe operation of the boat.
10. The concession holder is permitted to retrieve any fishing gear that has previously been reported to AFMA as lost under section 27 1(b) of the *Macquarie Island Toothfish Fishery Management Plan 2006* or that has been lost by Illegal, Unreported or Unregulated fishing operators.
11. The concession holder must not, if fishing for Patagonian Toothfish (*Dissostichus eleginoides*) by trawl method:

- a. use a net with less than 120 millimetre mesh size at every part of the net;
- b. use a bobbin with less than a 520 millimetre diameter;
- c. use a rock hopper rubber disc with less than a 400 millimetre diameter; or
- d. use a net monitor cable when the nominated boat is in the area of the fishery.

***Note:** For the purposes of this section, mesh size for a net, means the mesh size of the net measured in accordance with the method described in Articles 1 to 6 (inclusive) of CCAMLR Conservation Measure 22-01 (1986), set out in Schedule 1. In this Section net monitor cable means a cable used to link the nominated boat to a monitor attached to a part of the net.*

## **INTERACTIONS WITH SEABIRD OBLIGATIONS**

12. The concession holder must ensure that the nominated boat ceases fishing immediately for the remainder of the fishing season if any of the following birds are caught and killed by fishing gear:

- Wandering albatross;
- Black-browed albatross
- Grey headed albatross;
- Grey petrel; or
- Soft-plumaged petrel.

*Note: Any lines in the water at the time the seabird limit is reached must be retrieved. For the purposes of the above condition, fishing gear does not include streamer lines or the Bird Excluder device (BED).*

13. The concession holder must ensure a BED designed to discourage birds from accessing baits during hauling of longlines is deployed to the extent allowed by the prevailing weather conditions. Guidelines for a BED are given in Annex 25-02/B of CCAMLR Conservation Measure 25-02 (2024).

14. A seabird caught by a longline shall be considered to be dead if:
  - a. it is obviously dead (i.e. shows no muscle movement or corneal reflex); or
  - b. it is landed alive, but displays any of the following pathologies that may lead to death on its release:
    - i. fracture of a wing bone, a leg bone or beak;
    - ii. broken feather shafts on more than two primary feathers on either wing;
    - iii. substantial damage to the patagial tendon (indicated by a drooping wing or the inability to fly upon release);

- iv. an open wound (other than superficial injuries in which there is no subcutaneous muscle damage);
  - v. waterlogged or hydrocarbon-soiled plumage; or
  - vi. any seabird released with a hook in situ.
15. If the boat nominated to this concession is involved in any incident that results in a seabird being caught, the concession holder must
- a. comply with any AFMA direction provided in writing regarding High Pathogenicity Avian Influenza before handling dead or alive birds.
  - b. if the bird is alive, make every reasonable effort to ensure that the bird is released alive and that, wherever possible, any hooks are removed without jeopardising the life of the bird; or
  - c. if the bird is dead, ensure:
    - i. whatever assistance necessary is provided for the observer to::
      - take photographs or video footage of the dead seabird; and
      - collect any other data and make any other observations requested by AFMA;
    - ii. any remains of the dead seabird that are not retained are discharged from the boat in a manner that does not attract seabirds or mammals to the boat.
  - d. immediately report the interaction to the observer on board the boat about the incident, and allow the observer to observe the consequences of the incident.
  - e. notify AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) about the incident within 24 hours, including:
    - i. number of seabirds caught;
    - ii. species of seabirds caught (including photograph);
    - iii. life status of seabirds caught;
    - iv. type of bait used;
    - v. fishing gear, mitigation measures and stage of operation when the seabird bycatch occurred;
    - vi. time of day/night of line setting and haul (UTC);
    - vii. date and location of the bycatch;
    - viii. any external factors (such as weather conditions and moon phase) that may influence seabird bycatch;
    - ix. whether the bird is dead or alive, and, if applicable, a description of the injuries the bird sustained;

- x. if the bird is banded; and
  - xi. whether the seabird was retained on board the boat or released.
16. The concession holder is not taken to have complied with the above paragraph unless AFMA has replied in writing within 72 hours from when the report was sent, saying that the concession holder's transmission has been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

#### **INTERACTIONS WITH MARINE MAMMALS OBLIGATIONS**

17. If the boat nominated to this concession is involved in an incident that results in an injury to, or the death of, a marine mammal, the concession holder must:
- a. comply with any AFMA direction provided in writing regarding High Pathogenicity Avian influenza before handling dead or alive marine mammals;
  - b. either:
    - i. if the marine mammal is injured, ensure that the marine mammal is given as much assistance as is practicable; or
    - ii. if the marine mammal is dead, provide whatever assistance is necessary for the observer to:
      - take photographs or video footage of the dead marine mammal; and
      - collect any other data, or make any other observations, requested by AFMA.
  - c. discharge the remains of the carcass from the vessel in a manner that does not attract seabirds or mammals to the vessel;
  - d. immediately report the interaction to the observer on board the vessel, and allow the observer to observe the consequences of the incident; and
  - e. report the interaction to AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) within 24 hours after the incident.
18. The concession holder is not taken to have complied with the above paragraph unless AFMA has replied in writing within 72 hours from when the report was sent, saying that the concession holder's transmission has been fully received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.

#### **INTERACTIONS WITH OTHER BYCATCH OBLIGATIONS**

19. The concession holder must ensure that all skates and rays must be brought on board or alongside

the roller to be checked for tags and for their condition to be assessed. Unless otherwise specified by scientific observer/s, all other skates and rays caught alive with a high probability of survival should be released alive, by cutting snoods, and when practical removing the hooks.

#### **HANDLING AND TREATMENT OF BYCATCH**

20. The concession holder (or a person acting on the concession holder's behalf) must not mistreat bycatch.
21. The concession holder must, where reasonably possible, release alive shark taken as bycatch, especially juveniles and gravid females.

**Definitions:** For the purpose of clauses 20 and 21 above:

***Mistreat** means taking, or failing to take, any reasonable action or actions, which results, or is likely to result, in the;*

- i. death of, or
- ii. injury to, or
- iii. causing of physiological stress to any bycatch.

***Bycatch** means any species that physically interact with fishing boats and/or fishing gear (including auxiliary equipment) and which are not usually kept by commercial fishers. (Bycatch species may include fish, crustaceans, sharks, molluscs, marine mammals, reptiles and birds. Bycatch includes listed protected species under the Environment Protection and Biodiversity Conservation Act 1999.)*

***Notes:** For the purposes of this condition 'mistreat' does not include the taking, or failing to take, action where it is reasonably necessary to take, or not take, the action:*

- to ensure the safety of the boat and or its crew, or
- to comply with the requirements of any AFMA approved bycatch management plan(s) (these may include Seabird Management Plans, Vessel Management Plans etc.).

#### **TRANSHIPPING OBLIGATIONS**

22. The concession holder must notify AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) of any transshipments within the Fishery by providing the following details:
  - a. name;
  - b. IMO number;
  - c. International Radio Call Sign (IRCS);
  - d. Flag State;
  - e. proposed time, date in UTC and position, in latitude and longitude, of transshipment;
  - and

- f. details of the type and amount of harvested marine living resources and any other goods or materials to be transhipped.
- 23. Any transshipment notifications must be sent at least 72 hours in advance of the boat transshipping for harvested Antarctic marine living resources, bait or fuel and at least 2 hours in advance for all other goods or materials to AFMA using the template shown in Annex 10-09/A of CCAMLR CM 10-09 (2022).
- 24. The concession holder may, upon written approval from AFMA:
  - a. carry fish taken with the use of another boat on the nominated boat; or
  - b. tranship fish caught by the nominated boat to another boat by transferring at sea (or outside of a port) provided the AFMA observer agrees with the quantity transhipped as specified on the *Dissostichus* catch document, and notifies AFMA of their concurrence in writing via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au).
- 25. The concession holder must, within three (3) working days of any of its vessels having transhipped within the Fishery, confirm the information provided in accordance with paragraph 22 to AFMA using the template shown in Annex 10-09/A of CCAMLR CM 10-09 (2022) or indicate if this information has changed.

#### **OBSERVER OBLIGATIONS**

- 26. The concession holder must ensure that:
  - a) at least two scientific observers, one of whom must be an AFMA observer, are carried on the boat nominated to the concession; or
  - b) at least one AFMA observer is carried on the boat nominated to the concession and an AFMA approved electronic monitoring system is installed and operating; or
  - b) AFMA authorises otherwise in writing.
- 27. If required by AFMA to carry an observer/s the holder must give the AFMA Observer Section at least 21 days notice of an intention to depart on a fishing trip by telephone (0427 496 446) or by email: [observers@afma.gov.au](mailto:observers@afma.gov.au), including if they wish to have an observer who has been appointed under the CCAMLR Scheme of International Observation.
- 28. The concession holder must ensure that scientific observer/s are given assistance by the master of



the boat and the crew members of the boat, and has access to all areas of the boat, so as to enable the observer/s to carry out their data collection duties to the extent reasonably necessary, as specified in the CCAMLR Scientific Observers Manual and Annex I of the Text of the Scheme of International Scientific Observation, as amended from time to time, without impediment or influence.

29. The concession holder (or a person acting on the concession holder's behalf) must help each observer on board the nominated boat:
  - a. to record the number, type and circumstance of each interaction of the nominated boat with seabirds or mammals;
  - b. to record details of other boats sighted, and information about the activities of those boats in the AFZ; and
  - c. assist with meeting the tagging requirements for the fishery; and
  - d. cooperate and assist observer with performing data collection requirements if requested by the observer (*eg Conversion Factor tests, lifting*).
30. One scientific observer may be approved to act as a data collection officer as specified in paragraph 31 below.
31. If the concession holder appoints a scientific observer as a data collection officer on board the nominated boat:
  - a. the data collection officer must be approved by AFMA; and
  - b. the concession holder must pay the agency with whom the data collection officer is employed a fixed daily rate that:
    - i. is not subject to the amount of fish caught; and
    - ii. does not include the payment of a bonus; and
    - iii. is not paid directly to the data collection officer.
32. The concession holder must:
  - a. not direct the duties of the scientific observers;
  - b. ensure that the scientific observers have no other duties on the nominated boat relating to crewing the boat; and
  - c. ensure that the data collection officer works in cooperation with the other observer(s) on the boat.

33. The concession holder must give scientific observers the status of ship's officers. Accommodation and meals for scientific observers on board must be of a standard commensurate with this status. This is what AFMA considers to be adequate food and accommodation for the purpose of Regulation 40 of the FM Regulations.
34. The concession holder must not interfere with or prevent the scientific observer from communicating with his/her employer, including by preventing the scientific observer from having access to the boat's communication equipment.
35. The concession holder must ensure that any AFMA observer on board the nominated boat during a trip is given access to internet (available via Wi-Fi or otherwise) for the purpose of:
- a. communicating with AFMA and other government agencies as required from time to time; and
  - b. reasonable personal use.
36. Where a scientific observer aboard the boat is injured or falls ill the concession holder must:
- a. take all reasonable action to ensure that they are provided with adequate medical care including, at the master's discretion, the immediate return of the boat or the evacuation of the observer to a location able to provide appropriate medical care;
  - b. immediately contact the AFMA Duty Officer (24hrs) by phone on +612 6275 5818 to report injury or illness; and
  - c. as soon as possible and within 12 hours of an observer reporting to the Master of taking ill or suffering an injury which prevents them from completing their duties, inform AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) of the following:
    - i. current condition of the observer;
    - ii. likely illness or, in case of an injury, a detailed description of the cause of the injury;
    - iii. treatment of the observer and if any further medical assistance is required or to be obtained;
    - iv. extent of incapacity of the observer;
    - v. expected duration of the illness/incapacity;
    - vi. current activity of the boat (eg steaming to port, heavy fishing, searching); and
    - vii. expected date of return to port.

37. If the illness or injury is likely to last less than 5 days (such as viruses, flu, sprained ankle) or where the boat is likely to cease fishing within 5 days and return to port:
- a. the boat may function with one observer;
  - b. AFMA and the remaining observer will agree on a reduced program for observation for the duration of the illness. This will be done at the time and will depend on the expected activity of the boat and the level of contribution the incapacitated observer can continue to make (e.g. bird counts from the wheelhouse);
  - c. the reduced program will still include elements of both fisheries and ecological data collection; and
  - d. the concession holder and/or master will report to AFMA at least every second day on the health of the ill or injured observer and the effectiveness and practicality of the arrangements implemented.
38. If the illness or injury is likely to cause the observer to be unfit for duty for a period in excess of five (5) days:
- a. the concession holder must provide a crew member, suitable to the unaffected observer, to act as an assistant to the unaffected observer in their work;
  - b. AFMA and the unaffected observer will agree on a reduced program for observation and suitable duties for the deputised crew member. This will be done at the time and will depend on the expected activity of the boat, the expertise of the deputised crew member and the level of contribution the incapacitated observer can continue to make (eg bird counts from the wheelhouse);
  - c. the reduced program will still include elements of both fisheries and ecological data collection; and
  - d. the concession holder and/or master will report to AFMA at least every second day on the health of the incapacitated observer and the effectiveness and practicality of the arrangements implemented.
39. Should two observers fall ill or suffer an injury that simultaneously prevents both of them from carrying out their duties, the concession holder must advise AFMA as soon as possible and within 12 hours of the second observer reporting to the master of taking ill or suffering an injury:
- a. current condition of the observers;
  - b. likely illness/es or, in case of an injury/ies, a detailed description of the cause of the injury/ies;

- c. treatment of the observers and if any further medical assistance is required or to be obtained;
- d. extent of incapacity of the observers;
- e. expected duration of the illness/incapacity, if known;
- f. current activity of the boat (e.g. steaming to port, fishing, searching); and
- g. expected date of return to port.

40. Subject to the particular circumstances prevailing at the time AFMA will advise the concession holder of an appropriate course of action, which may include a cessation of fishing activity, until at least one observer is fit enough to undertake their duties.

Note: For the purposes of these contingency arrangements advice to AFMA is considered to be:

- a. contacting the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5555 or 24 hours on +61 427 496 446; and
- b. in writing by email at [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au).

41. In the event an observer dies, is missing or presumed fallen overboard, the concession holder must:
- a. immediately suspend all fishing operations;
  - b. immediately commence search and rescue if the observer is missing or presumed fallen overboard, and search for at least 72 hours, or until the search is called off by the Joint Rescue Coordination Centre (JRCC), unless the observer is found sooner, or unless instructed by the Receiving Member to continue searching;
  - c. immediately notify the AFMA Observer Manager during office hours (8am-5pm, Monday to Friday) on telephone number +612 6225 5555 or 24 hours on 0427 496 446, and e-mail [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au). If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer 24 hours on phone number +612 6275 5818.
  - d. immediately notify the appropriate Rescue Coordination Centre (RCC) and alert other boats in the vicinity by using all available means of communication;
  - e. cooperate fully in any search and rescue operation;
  - f. provide a report to the appropriate authorities on the incident; and
  - g. cooperate fully in any and all official investigations and with all directions, including by returning to port if appropriate, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
42. In the event an observer dies, the concession holder must ensure that the body is well-preserved for the purposes of an autopsy and investigation.

43. In the event that an observer suffers from a potentially serious illness or serious injury that may threaten his or her life or safety, the concession holder must seek medical advice through the relevant RCC. If the RCC has been advised by the pertinent medical professional that the observer suffers from a serious illness or injury that threatens his or her life or safety, the concession holder must:
- a. immediately suspend fishing operations;
  - b. immediately notify the Receiving Member and the RCC;
  - c. notify the AFMA Duty Officer on phone number +612 6275 5818 and the AFMA Observer Manager on +61 427 496 446
  - d. take all reasonable actions to care for the observer and provide any medical treatment available and possible on board the boat;
  - e. if recommended by the RCC or requested by AFMA, facilitate the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
  - f. cooperate fully in any and all official investigations into the cause of the illness or injury.

***Note:** For the purposes of these contingency arrangements, advice to AFMA is considered to be contacting the AFMA Observer Duty Officer during office hours (8am-5pm, Monday to Friday) on telephone number 612 6225 5555 or 24 hours on +61 427 496 446 or e-mail at [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au). E-mail messages will not be taken to be received unless they are confirmed, in writing by AFMA. If unable to contact the AFMA Observer Manager advice may be made to the AFMA Duty Officer on mobile phone number +612 6275 5818*

44. The concession holder must ensure that the boat's master or mate signs the observer program safety induction checklist prior to departing port.

#### **REPORTING OBLIGATIONS**

45. At least 24 hours prior to a nominated boat leaving port to commence fishing, the concession holder must notify AFMA, via e-mail to [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au). The email must include the vessel name, port of departure, planned area(s) of operation, estimated trip duration and an accurate date and time of departure.
46. For trawl operations, the concession holder must:
- a. ensure the CCAMLR Data Form C1v2025a (electronic Fine-Scale Catch and Effort Data for

Trawl Fisheries) is accurately completed in accordance with the instructions contained in the electronic logbooks;

- b. ensure that within seven (7) days after the end of the month in which fishing took place, all electronic Fine-Scale Catch and Effort Data for Trawl Fisheries (CCAMLR Data Form C1v2025a) is supplied to AFMA via e-mail [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au).
- c. ensure that within seven (7) days of the boats return to port, all electronic Fine-Scale Catch and Effort Data for Trawl Fisheries (CCAMLR Data Form C1v2025a) are supplied to AFMA via e-mail [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au).

47. For longline operations, the concession holder must:

- a. ensure the CCAMLR Data Form C2v2025a (electronic Fine-Scale Catch and Effort Data for Longline Fisheries) is accurately completed in accordance with the instructions contained in the electronic logbooks;
- b. ensure that within seven (7) days after the end of the month in which fishing took place, all electronic Fine-Scale Catch and Effort Data for Longline Fisheries (CCAMLR Data Form C2v2025a) is supplied to AFMA via e-mail [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au);
- c. ensure that within seven (7) days of the boats return to port, all electronic Fine-Scale Catch and Effort Data for Longline Fisheries (CCAMLR Data Form C2v2025a) are supplied to AFMA via e-mail.

48. If it is not possible to transmit via electronic logbook any one or more reports referred to within the time frames, then the concession holder must contact AFMA at email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) to identify alternative means to provide the information to AFMA.

49. If it is not possible to transmit any one or more of the reports or an acknowledgment of any of those reports is not received within nine (9) days of the end of a reporting period, then the concession holder must:

- a. immediately stow all fishing gear and take the boat directly to a port;
- b. as soon as possible, report to AFMA that the boat is being, or has been, taken to port with gear stowed, due to an inability to transmit the reports; and
- c. as soon as possible (whether before or after arriving at port), transmit any outstanding reports to AFMA.

***Note:** A transmission will not be taken to have been received by AFMA unless a return e-mail is sent*

*by AFMA within 72 hours and received by the concession holder/Master in reply, stating that the complete report has been received. The concession holder must re-send the report if AFMA has not replied in writing within 72 hours.*

50. The concession holder must ensure, at the end of each fishing trip report to AFMA, via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) the total number and weight of each species taken, including amounts taken for personal consumption and/or rendered to offal. These amounts will be decremented against quota allocations and the TAC for each species.

#### **LANDING/DISPOSAL OBLIGATIONS**

51. The concession holder must ensure that AFMA is provided with at least 72 hours notification before the nominated boat moors or anchors in a port or any other place to unload fish. The notification must be provided to AFMA Compliance on e-mail address [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au). If the place of mooring or anchoring is within the territorial waters of a country other than Australia, notification must also be made 72 hours in advance to the relevant fisheries authorities in that country. The notice must contain the following information:
- a. the boat's name and distinguishing symbol;
  - b. an estimate of the green weight of fish on board by species;
  - c. the port/s, or other place/s at which the fish will be unloaded;
  - d. the estimated date and time of arrival in the port/s or other place/s; and
  - e. the estimated date and time that unloading will commence in each port/s or other place/s.
52. Where the other country in question is New Zealand, the notice must be sent to international phone number 644 8015782 or facsimile number 644 8015381 or email [FCC@mpi.govt.nz](mailto:FCC@mpi.govt.nz). Contact details for other countries will be provided by AFMA on request.

#### **CATCH DOCUMENTATION SCHEME**

53. The concession holder must:
- a. ensure that each landing or transhipment of *Dissostichus* species is accompanied by an accurately completed DCD as outlined in Annex 10-05/A, Attachment 1 of CCAMLR Conservation Measure 10-05 (2022); and

- b. send a copy of the completed DCD by electronic means to AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au).

In this clause:

**"DCD"**: means a *Dissostichus* Catch Document.

**"transshipment"**: means the transfer of *Dissostichus* species that have not previously been landed, from one boat to another, either at sea or in port.

**"landing"**: means the initial unloading or transfer of *Dissostichus* spp. in any form from a boat to dockside, even if subsequently transferred to another boat, in a port or free-trade zone where the *Dissostichus* spp. are certified by an authority of the Port state as landed. The definition also includes the offload or transfer in port of *Dissostichus* species from a vessel to a container.

54. The concession holder must land catch only in States that are fully implementing the CCAMLR Catch Documentation Scheme (CDS) as listed in Appendix A.

#### **VESSEL MONITORING SYSTEM OBLIGATIONS**

55. The concession holder must have installed on the nominated boat an operational Automatic Location Communicator (ALC) at all times. The ALC must meet the minimum standards contained in Annex 10-04/C to CCAMLR Conservation Measure 10-04 (2022).

In this clause: an **"ALC"** means a satellite position transmitter that is capable of continuously, automatically and independently of any intervention of the vessel, transmitting the vessel monitoring system (VMS) data.

56. The concession holder must ensure that:
- i. the ALC is not tampered with in any way;
  - ii. VMS data are not altered in any way;
  - iii. the antennae connected to the ALC is not obstructed in any way;
  - iv. the power supply to the ALC is not interrupted in any way; and
  - v. the ALC must not be moved from the boat, except for the purpose of repair or replacement.
57. If the ALC fails to transmit VMS data while at sea, manual positional reports must be provided every four hours to AFMA via email to [ausvms@afma.gov.au](mailto:ausvms@afma.gov.au).



58. If the ALC fails to transmit VMS data, the concession holder must repair or replace the ALC as soon as possible, and within two months of the VMS data transmission failure.
59. When in port, if the nominated boat is undergoing maintenance, berthed for an extended period or in other exceptional circumstances that render ALC operation impractical, the concession holder can apply for a Temporary Switch Off (TSO) by sending a completed 'Application for VMS Temporary Switch Off' form to [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) at least 72 hours prior to the ALC being switched off.
60. The concession holder must ensure that the ALC must not be switched off without first obtaining a TSO.
61. The concession holder must ensure that the nominated boat does not move from the place stipulated under the TSO without prior written approval from AFMA.

#### **DIRECTION TO FIT**

62. When directed by AFMA in writing, the concession holder (or a person acting on the concession holder's behalf) must;
  - a. make available, within 14 days of the date of the written direction, the boat nominated to this concession for the purposes of installation of an AFMA ALC unit by an AFMA marine technician; and
  - b. provide all reasonable assistance to the AFMA approved technician including (but not limited to):
    - i. the provision of an un-interrupted connection to the boat's main power source; and
    - ii. an appropriate position for the mounting of the AFMA ALC unit.
63. When directed by AFMA in writing, the concession holder (or a person acting on the concession holder's behalf) must;
  - a. make available, within 14 days of the date of the direction, the boat nominated to this concession for the purposes of removal of the AFMA ALC unit by an AFMA marine technician; and
  - b. provide all reasonable assistance to the AFMA approved technician.
64. The concession holder must not interfere with the AFMA VMS Unit.

65. The concession holder (or a person acting on the concession holder's behalf) must not interfere, or attempt to interfere, with the operation of the AFMA ALC Unit.

**Definitions:**

***AFMA ALC Unit*** Means an Automatic Location Communicator unit wholly owned by AFMA, marked with AFMA identifications and supplied by AFMA and fitted by an AFMA approved technician.

***AFMA VMS Unit*** Means a Vessel Monitoring System (VMS) unit wholly owned by AFMA, marked with AFMA identifications, and supplied by AFMA and fitted by an AFMA approved technician.

***Interfere*** For the purposes of these conditions 'interfere' includes, but is not limited to:

- Physical obstruction or removal of the AFMA ALC unit, or
- Deliberately disconnecting or otherwise interfering with the power supply to the AFMA ALC unit, or
- Deliberate physical interference with the casing or any external or internal components of the AFMA ALC unit.

**Notes**

***Must Make boat available*** - Where the boat is not made available in accordance with condition 62 (a) or 63 (a), AFMA may suspend this concession pursuant to section 38(1)(c) of the Fisheries Management Act 1991.

***Must maintain ALC Unit*** - Regardless of AFMA's decision to fit an AFMA ALC unit, the concession holder must continue to maintain a ALC unit in accordance with regulation 37 of the FM Regulations.

***Remains the property of AFMA*** - At all times the AFMA ALC unit remains the sole property of the Commonwealth of Australia, as represented by AFMA. The concession holder is liable to the Commonwealth of Australia for the payment of any costs incurred as a result of loss or damage to the unit.

**OTHER OBLIGATIONS**

66. The concession holder must ensure that no offal or bycatch is discharged from the boat in the fishery with the exception of paragraphs 19 and 21 of these conditions or within the exclusive economic zone (EEZ) of another country.
67. Before any offal is discharged from the nominated boat the concession holder must remove all fish hooks from the offal prior to discharge.

68. The concession holder must ensure that no plastic packaging bands are used to secure bait boxes.
69. The concession holder must ensure that an extract from the Register, or a true copy of it, is carried by the fishing boat and is available for inspection at any time by a maritime officer.
70. If a boat is nominated to this concession, at all times when the boat is being used under this concession, the concession holder must have provided to AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) a current emergency contact facility for the nominated boat.
71. An emergency contact facility must enable AFMA to contact the boat immediately and directly at any time when the boat is at sea, including in the event of an emergency.

***Note:***

*The emergency contact facility may take the form of a satellite phone number, or skipper or crew member's mobile phone number, or any other number AFMA can use to contact the boat while it is at sea at any time, including in the event of an emergency.*

72. AFMA must be notified immediately of any change in contact details, by email to [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.
73. The concession holder must ensure that the unload of any toothfish product does not commence until an authorised inspector is present.

**AGENT OBLIGATIONS**

74. The concession holder accepts concurrent liability for all conduct infringing the Act, any delegated legislation made under the Act or any condition on their concession by its servants or agents who may be engaged by the concession holder to conduct activity on the holder's behalf under this concession.
75. Liability for the conduct of the concession holder's servants or agents arises, even if the conduct may be, or actually is, beyond the scope of the servant or agent's actual or apparent authority where it is a breach that occurs during the conduct of activity authorised by this concession.

76. The concession holder may avoid concurrent liability for conduct whilst conducting activity under this concession if, but only if, the concession holder can establish that the infringing conduct could not possibly have been prevented by any action or precaution that the concession holder might have reasonably taken. The giving of an indemnity by the servant or agent to the concession holder for any penalties incurred by the concession holder, for infringing conduct by the servant or agent is not, of itself, a reasonable precaution to prevent infringing conduct.
77. The concession holder must not give any indemnity to their servant or agent as to their conduct of activity authorized by this concession.

#### **TEMPORARY ORDERS OBLIGATIONS**

78. The concession holder must comply with any Temporary Order made by AFMA under sub section 43(2) of the Act and to the extent that any is inconsistent with such Temporary Order sub section 43(9) provides that the is overridden by the Temporary Order until the Temporary Order ceases to have effect.

#### **DIRECTION OBLIGATIONS**

79. The concession holder must comply with any Direction that fishing is not to be engaged in in the fishery, or a particular part of the fishery or during a particular period or periods made under sub section 41A of the Act.

#### **NAVIGATING IN CLOSED ZONES**

80. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the Act, if it reasonably appears by VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of Division 3 regulation 85 of the FM Regulations, to meet the exempting provisions of sub regulations 86(2), 86(3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

#### **REPORTING OF BOAT SIGHTINGS**

81. The concession holder must ensure, in the event that the master of a licensed fishing boat sights

another fishing boat, suspected of not being authorised to fish in the Macquarie Island Toothfish Fishery, the master must document as much information as possible on each such sighting, including:

- (a) name and description of the boat
- (b) boat call sign
- (c) registration number and the Lloyds/IMO number of the boat
- (d) Flag State of the boat
- (e) photographs of the boat to support the report
- (f) any other relevant information regarding the observed activities of the sighted boat

82. The concession holder must ensure that the master forwards a report containing the information referred to in the above paragraph to AFMA via email [AntarcticReporting@afma.gov.au](mailto:AntarcticReporting@afma.gov.au) as soon as possible.

**APPENDIX A- States that are fully implementing the CCAMLR Catch Documentation Scheme (CDS)**

**CCAMLR Members**

**Argentina**  
**Australia**  
**Belgium**  
**Brazil**  
**Chile**  
**China, People's Republic of**  
**Ecuador**  
**European Union**  
**France**  
**Germany**  
**India**  
**Italy**  
**Japan**  
**Korea, Republic of**  
**Namibia**  
**Netherlands, Kingdom of**  
**New Zealand**  
**Norway**  
**Poland**  
**Russian Federation**  
**South Africa**  
**Spain**  
**Sweden**  
**Ukraine**  
**United Kingdom of Great Britain and Northern Ireland**  
**United States of America**  
**Uruguay**

**Acceding States**

**Bulgaria**  
**Canada**  
**Cook Islands**  
**Finland**  
**Greece**  
**Mauritius**  
**Pakistan, Islamic Republic of**  
**Panama, Republic of**  
**Peru**  
**Vanuatu**

**Non Contracting Parties (NCP)s cooperating with CCAMLR by participating in the CDS**

**Colombia**  
**Mexico**  
**Singapore**  
**Thailand**